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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARLAN KELLY,

Defendant.

CASE NO. 21-CR-402 RS

**STIPULATION TO EXCLUDE TIME FROM
NOVEMBER 3, 2022 TO JANUARY 17, 2023;
AND [PROPOSED] ORDER**

On November 3, 2022, the Court denied defendant Harlan Kelly's motion to dismiss. *See Dkt. 191* (Filed Under Seal). A status date to set further proceedings on the case has not been set. The parties have met and conferred, and the defendant continues to review discovery. The parties therefore stipulate and request that the Court set a status hearing for January 17, 2023 at 9:30 a.m. for trial setting or setting a date for change of plea.

The parties further stipulate and ask the Court to exclude time from November 3, 2022 through January 17, 2023 under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv). The government and counsel for the defendants agree that time be excluded under the Speedy Trial Act so that defense counsel can continue to prepare, including by reviewing discovery produced by the government. For

1 this reason, the parties stipulate and agree that excluding time until January 17, 2023 will allow for the
2 effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and
3 agree that the ends of justice served by excluding the time from November 3, 2022 through January 17,
4 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and the
5 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

6 The undersigned Assistant United States Attorney certifies that he has obtained approval from
7 counsel for the defendant to file this stipulation and proposed order.

8
9 IT IS SO STIPULATED.

10 DATED: December 14, 2022

11 /s/ David J. Ward
12 DAVID J. WARD
Assistant United States Attorney

13 DATED: December 14, 2022

14 /s/ w/ permission
15 BRIAN GETZ
JONATHAN BAUM
Attorneys for Defendant Harlan Kelly

[PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties, and for good cause shown, the Court hereby finds that failing to exclude the time from November 3, 2022 through January 17, 2023 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from November 3, 2022 to January 17, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial.

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from November 3, 2022 to January 17, 2023 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

Further, IT IS HEREBY ORDERED that the parties appear before the Court on January 17, 2023 at 9:30 a.m. for a status hearing for setting of a change of plea or trial date.

IT IS SO ORDERED.

DATED: _____

HON. RICHARD SEEBORG
United States Chief District Judge